Case4:10-cv-01757-SBA Document44 Filed11/07/12 Page1 of 3

AT-138, EJ-125 FOR COURT USE ONLY ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Clarissa A. Kang, SBN 210660; Angel L. Garrett, SBN 255682 Trucker Huss, A Professional Corporation One Embarcadero Center, 12th Floor San Francisco, CA 94111 FAX NO.: 415-421-2017 TELEPHONE NO.: 415-788-3111 ATTORNEY FOR (Name): Plaintiff Board of Trustees of the Clerks... NAME OF COURT: U.S. District Court, Northern District STREET ADDRESS: 450 Golden Gate Avenue, 15th Floor MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: PLAINTIFF: Board of Trustees of the Clerks and Lumber Handlers Pension Fund DEFENDANT: Piedmont Lumber & Mill Co., Inc. APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION CASE NUMBER X ENFORCEMENT OF JUDGMENT ATTACHMENT (Third Person) C 10-1757 SBA JCS X Judgment Debtor Third Person ORDER TO APPEAR FOR EXAMINATION 1. TO (name): William C. Myer, Jr., President, Piedmont Lumber & Mill Co., Inc. 2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to X furnish information to aid in enforcement of a money judgment against you. answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor. answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment. Date: November 16, 2012 Time: 9:00 a.m. Dept. or Div.: Rm.: Courtroom G Address of court X shown above is: 450 Golden Gate Avenue, 15th Floor, San Francisco, CA 94102 3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name): Date: 11/7/12 JUDGE OR REFE This order must be served not less than 10 days before the days IMPORTANT NOTICES ON REV Judge Joseph C. Spero APPLICATION FOR ORDER TO APPEAR FOR E 4. X Judgment creditor Assignee of record Plaintiff who has a right? applies for an order requiring (name): to appear rnish information to aid in enforcement of the money judgment or to answer concerning property or deb 5. The person to be examined is X the judgment debtor a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached. 6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination. This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached. The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date: November 6, 2012 Clarissa A. Kanq (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

(Continued on reverse)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

- (1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.
- (2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows (Describe the property or debt using typewritten capital letters):

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

APPEARANCE OF A CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST, OR OTHER ORGANIZATION

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

A Professional Corporation 100 Montgomery Street, 23rd Floor San Francisco, California 94104

Trucker + Huss

CERTIFICATE OF SERVICE

I, Steven J. Simon, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am employed in the City and County of San Francisco, California. My business address is One Embarcadero Center, 12th Floor, San Francisco, California 94111. On the date indicated below, I served the enclosed:

APPLICATION AND ORDER TO APPEAR FOR EXAMINATION

to the addressee(s) and in the manner indicated below:

Shane J. Moses, Esq.
McNutt Law Group LLP
188 The Embarcadero, Suite 800
San Francisco, CA 94105
smoses@ml-sf.com

Attorneys for Defendant PIEDMONT LUMBER & MILL COMPANY, INC.

- **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above, on the abovementioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- BY ELECTRONIC MAIL: On the above-mentioned date, I served a full and complete copy of the above-referenced document[s] by electronic mail to the person[s] at the email address[es] indicated.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Certificate of Service was executed by me on November 6, 2012, at San Francisco, California.

Steven J. Simon